



## San Diego County Water Authority

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(858) 522-6600 FAX (858) 522-6568 [www.sdcwa.org](http://www.sdcwa.org)

October 7, 2009

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### OTHER REPRESENTATIVE

County of San Diego

Mr. Mike Porter

California Regional Water Quality Control Board

San Diego Region

9174 Sky Park Court, Suite 100

San Diego, CA 92123-4340

Re: Gregory Canyon Bridge, Water Quality Certification File Number 09C-073

Dear Mr. Porter:

The San Diego County Water Authority (Water Authority) has reviewed the application materials submitted by Gregory Canyon Limited, LLC for a Water Quality Certification under Section 401 of the Clean Water Act for the Gregory Canyon Bridge. As noted in your September 28, 2009 response letter, the application has appropriately been classified as incomplete due to the omission of a complete project description.

As this bridge is a critical component of a much larger proposed Gregory Canyon Landfill Project, the Water Authority is concerned that the Regional Board is considering action on this individual structure separate from the larger proposed landfill project. Separately evaluating and approving smaller components of a much larger project can underestimate the cumulative effects of the entire project by masking incremental effects. The Water Authority notes that Tentative Waste Discharge Requirement (Tentative Order R9-2009-004) for the Gregory Canyon Landfill Project will serve as the Clean Water Act Section 401 certification (Certification Order No. 05C-095) for project discharges. Given this intent, the Water Authority encourages the Regional Board to avoid issuing individual certifications for single elements of the larger project.

The Water Authority is surprised by the Regional Board's change in position regarding CEQA compliance for the landfill project. In a June 1, 2009 letter to Mr. Gary Erbeck at the County of San Diego, the Regional Board stated that the Gregory Canyon Project Final Certified EIR was "incomplete and inaccurate" due to a change in project description related to water supply. The letter further stated that the Regional Board would not be able to take action on the waste discharge requirements (and presumably any other authorization) until the CEQA process is complete. The Water Authority is unaware of any resolution on the issue of securing an appropriate

Mr. Mike Porter  
California Regional Water Quality Control Board  
San Diego Region  
October 7, 2009  
Page 2

and sufficient water supply for landfill development and operation. Given current water supply constraints, it is very likely that additional CEQA compliance on a new proposed water supply will be required to provide an adequate and defensible EIR for Regional Board action. On May 13, 2009, the County of San Diego, as CEQA Lead Agency, stated that "the operator will therefore have to identify another source or sources of water, and the County will have to complete any necessary CEQA analysis concerning those sources". Yet your September 28, 2009 letter to Gregory Canyon Ltd., LLC, indicated the Regional Board considers CEQA complete as of November 2008. The Water Authority encourages the Regional Board to review the adequacy and completeness of CEQA compliance prior to considering any actions on this project.

The Gregory Canyon Landfill Project, including its component bridge across the San Luis Rey River, poses substantial risk to Water Authority pipeline facilities unless appropriate protective measures are implemented. The Water Authority First Aqueduct, consisting of two existing (and one approved, but not yet constructed) high capacity pipelines, is immediately adjacent to the landfill footprint and upstream of the proposed bridge. A significant concern regarding this project is possible exposure of pipelines along the riverbed due to the cumulative effects of streambed alteration from construction of the access road, bridge, and the realignment of SR-76. These landfill project actions, either individually or cumulatively, may aggravate siltation along the river, cause an imbalance in river morphology, or increase erosion that could jeopardize the integrity of the Water Authority pipelines crossing the riverbed. The Water Authority encourages the Regional Board to avoid segmenting actions on various landfill components. Because of the proximity of critical regional water delivery facilities to the proposed bridge structure, the Water Authority requests the Regional Board require the applicant to prepare a detailed scour study to ensure that nearby Water Authority facilities will not be adversely affected by the project.

The Water Authority appreciates the opportunity to provide comments on the pending certification request. The Regional Board must carefully consider the impacts of the proposed bridge in light of the larger landfill project and impose conditions that ensure the integrity of Water Authority facilities. In light of the water supply uncertainty, the Water Authority encourages the Regional Board to defer action on water quality certifications related to the Gregory Canyon Landfill Project until all remaining issues have been resolved and the entire project can be considered. The Water Authority would also appreciate being directly notified of any future water quality certification applications for landfill component projects. If you have any

Mr. Mike Porter  
California Regional Water Quality Control Board  
San Diego Region  
Page 3

questions or wish to discuss these comments in greater detail, please contact Larry Purcell, Water Resources Manager at (858) 522-6752.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Weinberg", written over a large, stylized circular flourish.

FOR Ken Weinberg  
Director of Water Resources

cc: John Robertus, RWQCB